

ESTTA Tracking number: **ESTTA487078**Filing date: **08/03/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Tupperware Products S.A.		
Entity	Corporation	Citizenship	Switzerland
Address	Route du Jura 37 Fribourg, CH-1700 SWITZERLAND		

Domestic Representative	Kimberly K. Weate Vice President Dart Industries Inc. 14901 South Orange Blossom Trail Orlando, FL 32837 UNITED STATES trademarks@tupperware.com Phone:(407) 826-8290
-------------------------	---

Registration Subject to Cancellation

Registration No	1805061	Registration date	11/16/1993
Registrant	JEAN PHILIPPE FRAGRANCES, LLC 551 FIFTH AVENUE NEW YORK, NY 10176 UNITED STATES		

Goods/Services Subject to Cancellation

Class 003. First Use: 1992/11/30 First Use In Commerce: 1992/11/30
All goods and services in the class are cancelled, namely: perfumes, colognes, scented body powders, personal deodorants and body lotions

Grounds for Cancellation

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	12.08.04 Fidelity Petition to Cancel.pdf (3 pages)(183295 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/kimberlyweate/
Name	Kimberly K. Weate

Date	08/03/2012
------	------------

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 1805061
Trademark: FIDELITY
Registered: November 16, 1993

Tupperware Products S.A.,

Petitioner,

-against-

Jean Philippe Fragrances, LLC (New York Corp.)

Registrant.

BOX TTAB
FEE

PETITION FOR CANCELLATION

Tupperware Products S.A. (“Petitioner”), a corporation organized and existing under the laws of Switzerland, located at Route du Jura 37, Fribourg CH-1700, Switzerland, believes that it will be damaged by the continued registration of U.S. Registration No. 1805061, issued on November 16, 1993 to Jean Philippe Fragrances, LLC (“Registrant”), and hereby petitions to cancel the same.

As grounds for cancellation, Petitioner alleges as follows:

1. Petitioner is the owner of a pending application for the mark FIDELITY, application Serial N. 85/653044, for perfumery in Class 3.
2. Registrant owns U.S. Reg. No. 1805061 for the mark FIDELITY, registered on November 16, 1993 for “perfumes, colognes, scented body powders, personal deodorants and body lotions” in Class 3.

3. Petitioner has a bona fide intent to use the same mark for related goods, and has filed an intent-to-use application to register FIDELITY, and believes registration of the mark will be refused in view of Registrant's registration.

4. On information and belief, use of the mark FIDELITY has been discontinued with intent not to resume such use. Thus, Registrant has abandoned its trademark.

5. Petitioner will be damaged by the continuing registration of the FIDELITY mark by the Registrant because the registration will block registration of Petitioner's mark FIDELITY in its application Serial No. 85/653,044.

WHEREFORE, Petitioner requests that Registration No. 1805061 be cancelled.

Dated: Orlando, Florida
August 3, 2012

Respectfully submitted,

DART INDUSTRIES INC.

By: Kimberly K. Weate
Kimberly K. Weate, Vice President

Attorney of Record for Petitioner
14901 South Orange Blossom Trail
Orlando, Florida 32837
(407) 826-8290

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Petition for Cancellation was sent by first class mail to Registrant, Jean Philippe Fragrance, LLC (New York Corp.), at 551 Fifth Avenue, New York, New York 10176 and Registrant's Correspondent, David B. Kirschstein, Kirschstein Ottinger Israel et al, 489 Fifth Avenue, New York, New York 10017-6105, this 3rd day of August, 2012

Kimberly K. Weate
Kimberly K. Weate